

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

L.D. 1381

(Filing No. H-272)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 960, L.D. 1381, Bill, "AN ACT to Amend the Wood Measurement Laws."

Amend the bill by striking out all of the emergency preamble and inserting in its place the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain adjustments in the existing wood measurement law are needed; and

Whereas, these adjustments will greatly facilitate the implementation of the wood measurement law; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Further amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 10 MRSA §2363-A, sub-§2, ¶¶B and C, as enacted by PL 1983, c. 804, §6, are amended to read:

B. Where payment is made for services harvesting wood, ~~all~~ weight measurements ~~shall~~ may be expressed on either a green wood basis or an oven-dried basis, as may be agreed by the

COMMITTEE AMENDMENT "A" to H.P. 960, L.D. 1381

1 parties. Except as otherwise provided by the
2 state sealer, when the wood is not, or will not
3 be, weighed within 15 days of felling, the person
4 performing the services may, prior to hauling,
5 require that the wood instead be measured by butt
6 measure, or other authorized method of measure-
7 ment; and

8 C. All sales of wood chips may be based on
9 oven-dried weight; ~~except where payment is made~~
10 ~~for harvesting wood.~~

11 Sec. 2. 10 MRSA §2364-A, sub-§2, ¶A, as enacted
12 by PL 1983, c. 804, §7, is repealed and the following
13 enacted in its place:

14 A. When payment is made for services harvesting
15 wood, all wood that is properly prepared shall be
16 measured in full, without regard to its future
17 merchantability or use, in this paragraph re-
18 ferred to as "gross scale." After a person pro-
19 viding services has provided services for 30 days
20 based on gross scale measurement, the person pro-
21 viding services and the person requiring services
22 may thereafter agree that payment for services
23 instead be based on net scale, provided that:

24 (1) The agreement must specify the cutting
25 block to which it applies;

26 (2) The agreement may include reasonable
27 deductions for defect and, where included,
28 the deductions may only be taken in accord-
29 ance with rules promulgated under this sub-
30 chapter.

31 (3) The agreement must be in writing and be
32 signed by both parties;

33 (4) To be effective, such an agreement must
34 be mutual and not unilaterally imposed by
35 the person requiring services;

COMMITTEE AMENDMENT "A" to H.P. 960, L.D. 1381

1 (5) Upon completion of the cutting block
2 specified in the agreement, the person pro-
3 viding services may again require that pay-
4 ment will be based on gross scale and any
5 previous agreement to the contrary shall be
6 void; and

7 (6) The person requiring the services may
8 not retaliate against the person providing
9 services because the person providing ser-
10 vices requires payment for services based on
11 gross scale.

12 The initial 30 days of services, payment for
13 which is based on gross scale, shall apply for
14 each period of continuous services.

15 Sec. 3. 10 MRSA §2368, sub-§3 is enacted to
16 read:

17 3. Retaliation. Any person who engages in re-
18 taliatory conduct prohibited under section 2364-A is
19 subject to the civil penalties specified in subsec-
20 tion 1. The right of private action in subsection 2
21 also applies to such retaliatory conduct, including
22 damages and the same remedies which are available in
23 the case of a favorable judgment rendered under Title
24 26, section 626-A. In addition, any person who vio-
25 lates this subchapter by engaging in retaliatory con-
26 duct shall, for a period of not less than one year,
27 pay for services based on gross scale and may not en-
28 ter into any agreements to the contrary.

29 Emergency clause. In view of the emergency cited
30 in the preamble, this Act shall take effect when ap-
31 proved.'

32 STATEMENT OF FACT

COMMITTEE AMENDMENT "A" to H.P. 960, L.D. 1381

1 This amendment allows the use of oven-dried
2 weight as the basis for payment.

3 The amendment also allows parties to agree to the
4 use of net scale in the payment for services after a
5 continuous period of services for which payment is
6 based on gross scale. The penalty provision makes it
7 clear that the existing penalties in the wood mea-
8 surement law apply to any retaliation against a ser-
9 vice provider who insists on payment based on gross
10 scale.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the
Clerk of the House

5/30/85

(Filing No. H-272)